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International Convention
on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Thirteenth periodic reports of States parties due in 1994

Addendum

ICELAND*

[20 May 1994]

I. GENERAL

1. The present report is submitted by the Government of Iceland in accordance with article 9 of the Convention on the Elimination of All Forms of Racial Discrimination. It is Iceland's thirteenth periodic report and covers the period since the preparation of Iceland's combined tenth, eleventh and twelfth report in February 1993.

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* The present document contains the thirteenth periodic report which was due on 5 January 1994. For the tenth, eleventh and twelfth periodic reports of Iceland, submitted in one document, see documents CERD/C/226/Add.12.

The information submitted by Iceland in accordance with the consolidated guidelines concerning the initial part of reports of States parties is contained in the core document HRI/CORE/1/Add.26.

GE.94-16885 (E)

2. In the period now under review two laws have been enacted which affect the exercise of the rights safeguarded under the Convention:

(a) Administrative Law No. 37/1993; and

(b) Law No. 133/1993 amending various laws concerning legal procedure, right of employment, etc. consequent to Iceland becoming a party to the Agreement on the European Economic Area.

These laws are described in Section II.

3. No other legislative, judicial, administrative or other measures have been adopted in the period now under review giving effect to the provisions of the Convention.

II. SPECIFIC IMPLEMENTATION MEASURES

A. Administrative Law No. 37/1993

4. Law No. 37/1993 entered into force on 1 January 1994. The Law can be regarded as a major improvement in the legal situation and represents, in fact, the first time that general rules on administrative decisions are enacted in law. The Law applies to administrative decisions of both national and local government authorities, unless specific legislation provides for more strict procedures. It applies to decisions taken by public authorities on the rights and duties of individuals or legal persons. The main purpose in enacting the Law is to ensure to the greatest possible extent the legal certainty of persons in their dealings with public authorities when such decisions are taken. Thus, in the Law rules are enacted on administrative procedure, that is, rules as to both form and substance concerning the preparation and the taking of decisions. They provide, inter alia, for the right of persons to acquaint themselves with the process leading to the decisions and to present their views.

5. The principle of equality is set out in article 11 of Law No. 37/1993, as follows:

> "In deciding cases a public authority shall abide by rules on consistency and equality of treatment in a legal sense.
>
> In deciding cases it is forbidden to discriminate between parties on the basis of views founded on their sex, race, colour, nationality, religion, political opinion, social position, birth or other comparable considerations."

B. Law No. 133/1993 amending various laws concerning legal procedure, right of employment, etc. consequent to Iceland becoming a party to the Agreement on the European Economic Area

6. Before the enactment of this Law the Minister of Justice took decisions under Law No. 45/1965 on the Control of Aliens with respect to the expulsion of foreigners who are present in Iceland legally if certain conditions were fulfilled. No appeal from these decisions was available. Law No. 133/1993 amended this situation to provide that a separate body, the Immigration Service, would take decisions on the expulsion of aliens under these circumstances. Such a decision can be appealed to the Minister of Justice for review and there is an obligation under the Law to advise the foreigner of this right of appeal when he is informed of a decision or ruling on expulsion. Under these changed circumstances the reservation made by Iceland to article 13 of the International Covenant on Civil and Political Rights is no longer necessary and will be withdrawn.